IN THE HIGH COURT OF UTTARTANCHAL

Criminal Misc. Application No. 608/2005

1 Jagvir Singh @ Shahab Singh
s/o late Harvansh Singh
2 Sada Singh s/o Pyara Singh
Both r/o Village Karterpur, PS Bilaspur,
Disrrict Rampur Applicants.

Versus

State of Uttaranchal Resp[ondent

Hon'ble B.C. Kandpal, J

This petition has been field by the applicant for quashing the criminal case No. 640 of 2003, Blavinder Singh Vs Jagvir Singh and others pending before Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar.

Brief facts giving rise to the petition are that a First Information Report was lodged by one Balvinder Singh against the petitioner under Section 307 IPC. The police submitted the final report in that case, thereafter the com-plainant filed protest petition and this protest petition was treated as complaint . The statement of the witnesses were recorded under Section 202 Cr.P.C thereafter, the learned Ist Judicial Magistrate ,Rudrapur passed the summoning order against the applicant for facing trial under Section 307 IPC vide order dated 10.5.2005.

Feeling aggrieved by the aforesaid order, this petition has been filed for quashing the criminal case No.640/2003 pending before the learned Chief Judicial Magistrate, Rudrapur.

Heard Sh S.K.Mandal, learned counsel for the applicant and perused the record.

The summoning order passed by the learned court below is well discussed and I do not find any ground to interfere in the same. The contention raised by the petitioner relate to the question of fact which can only be assessed and seen by the trial court at the time of trial and for that the proceedings cannot be disturbed at this stage.

I do not find any serious miscarriage of justice in the impugned order passed by the court below. I also do not find that any mandatory provisions of law were not complied with

Accordingly, there is no ground to interfere with the proceedings pending before the learned court below in the instant case by way of exercising the inherent jurisdiction under Section 482 C.P.C.

Accordingly the application is dismissed.

(B.C. Kandpal, J.)

13.09.2005
NBJ